

# SUMMARY MINUTES

ABAG Executive Board Meeting  
No. 368, July 16, 2009  
MetroCenter Auditorium  
101 8th Street, Oakland, CA

## 1. CALL TO ORDER

President Rose Jacobs Gibson called the meeting to order at approximately 7:00 p.m.  
A revised agenda was distributed.

### Representatives and Alternates Present

Supervisor Susan Adams  
Supervisor John Avalos  
Vice Mayor Ronit Bryant  
Councilmember Carole Dillon-Knutson  
Mayor Jack Gingles  
Supervisor John Gioia  
Councilmember Pedro Gonzalez  
Mayor Mark Green  
Supervisor Carole Groom  
Supervisor Scott Haggerty  
Vice Mayor Dave Hudson  
Supervisor Rose Jacobs Gibson  
Mayor Beverly Johnson  
Councilmember Ash Kalra  
Supervisor Mike Kerns  
Director Nancy Kirshner Rodriguez  
Supervisor Barbara Kondylis  
Councilmember Sam Liccardo  
Education Advisor Hydra Mendoza  
Supervisor Ross Mirkarimi  
Mayor Julie Pierce  
Councilmember Joe Pirzynski  
Mayor Harry Price  
Mayor Tony Santos  
Supervisor Gail Steele  
Mayor Pamela Torliatt  
Supervisor Gayle B. Uilkema  
Supervisor Ken Yeager

### Representatives Absent

Councilmember Jane Brunner  
Councilmember Kansen Chu  
Supervisor David Cortese  
Supervisor Mark Luce  
Councilmember Nancy Nadel  
Mayor Gavin Newsom  
Vice Mayor Jean Quan  
Mayor A. Sepi Richardson  
Vice Chair Terry Young

### Jurisdiction

County of Marin  
County of San Francisco  
City of Mountain View  
City of Novato  
City of Calistoga  
County of Contra Costa  
City of South San Francisco  
City of Union City  
County of San Mateo  
County of Alameda  
City of San Ramon  
County of San Mateo  
City of Alameda  
City of San Jose  
County of Sonoma  
City of San Francisco  
County of Solano  
City of San Jose  
City of San Francisco  
County of San Francisco  
City of Clayton  
Town of Los Gatos  
City of Fairfield  
City of San Leandro  
County of Alameda  
City of Petaluma  
County of Contra Costa  
County of Santa Clara

### Jurisdiction

City of Oakland  
City of San Jose  
County of Santa Clara  
County of Napa  
City of Oakland  
City of San Francisco  
City of Oakland  
City of Brisbane  
RWQCB

**2. PUBLIC COMMENT**

There were no public comments.

**3. ANNOUNCEMENTS**

President Jacobs Gibson welcomed Dave Hudson, Councilmember, City of San Ramon, alternate for Joanne Ward, Councilmember, City of Hercules, representing cities in Contra Costa County; Tony Santos, Mayor, City of San Leandro, alternate for Beverly Johnson, Mayor, City of Alameda, representing cities in Alameda County; and Pedro Gonzalez, Councilmember, City of South San Francisco, alternate for Richard Garbarino, Councilmember, City of South San Francisco, representing cities in San Mateo County.

Other alternates attending included Ronit Bryant, Vice Mayor, City of Mountain View, for Dan Furtado, Councilmember, City of Campbell, representing cities from Santa Clara County; and Harry Price, Mayor, City of Fairfield, for Len Augustine, Mayor, City of Vacaville, representing cities in Solano County.

President Jacobs Gibson announced that Kansen Chu, Councilmember, City of San Jose, accepted her nomination to the San Francisco Estuary Implementation Committee and his name has been included for Board confirmation under committee appointments.

There were no other announcements.

**4. PRESIDENT'S REPORT**

President Jacobs Gibson reported on the following:

The Youth Gun Violence Task Force held a convening of organizations and individuals involved in stemming the tide of youth gun violence on June 18, 2009. She acknowledged members of the task force, including John Gioia, Supervisor, Contra Costa County; Dan Furtado, Councilmember, City of Campbell; Sam Liccardo, Councilmember, City of San Jose; Gail Steele, Supervisor, Alameda County; and, Nancy Kirshner Rodriguez, Government Affairs Director, City and County of San Francisco. She acknowledged the support of Julie Leftwich, Legal Community Against Gun Violence. Members were asked to review model resolutions and ordinances, which were vetted by a number of law enforcement personnel throughout the region and which will come back to the Board at its September meeting for action.

Both President Jacobs Gibson and Vice President Mark Green testified before the Assembly Transportation Committee on SB 406 (DeSaulnier) on July 6. SB 406 has been forwarded to the Assembly Appropriations Committee where it is expected to remain until after the budget is adopted. Members were encouraged to continue to support this bill and were asked to encourage legislators to support SB 406.

**5. EXECUTIVE DIRECTOR'S REPORT**

Executive Director Gardner reported on the following:

An update was given on the state budget and its effect on the state's bond rating. Major reductions are expected with substantial cuts to cities and counties. There has been no immediate impact on ABAG's funding to date.

Executive Director Gardner further commented on SB 406 (DeSaulnier) which passed out of the final Assembly policy committee on July 6 and will be heard by the Assembly Appropriations Committee by August 28. If passed and signed by the Governor, SB 406 will provide approximately \$12 million a year, for ten years, to local governments, ABAG, and MTC. These funds will be used primarily for planning for the region and local government to support efforts associated with SB 375 (Steinberg).

Several cities in the Southern California Area Governments region sued SCAG over their RHNA allocations. SCAG prevailed at the trial court and the cities appealed. SCAG asked ABAG to file an *amicus* brief which was done. The Court of Appeals has ruled that cities and counties do not have the right to sue a COG over their allocations. The sole remedy is the process provided under the Housing Element law. The text of the opinion can be found at <http://www.courtinfo.ca.gov/opinions/documents/G040513.PDF>.

The San Francisco Bay Trail Project had a 20<sup>th</sup> anniversary event on June 6 at the Hayward Shoreline Interpretive Center. The challenge remains to complete the remainder of the Bay Trail with success contingent on continued funding. The Hayward Shoreline Area Planning Agency, East Bay Regional Park District, City of Hayward, Hayward Area Recreation and Park District and ABAG's San Francisco Bay Trail Project hosted a reception celebrating the 20<sup>th</sup> anniversary of the Bay Trail and honoring Treasurer Bill Lockyer for his vision of the trail established 20 years ago with the adoption of the Bay Trail Plan by the ABAG Executive Board. Other attendees included State Senator Ellen Corbett, former Assemblymember Johan Klehs, ABAG Vice President Mark Green, MTC Commissioner Scott Haggerty, Mayor Mike Sweeney of the City of Hayward, and Alameda County Supervisor Gail Steele. Resolutions of support were received from Congressman Pete Stark, Senator Ellen Corbett, Assemblymembers Nancy Skinner, Sandre Swanson, Mary Hayashi, Tom Torlakson, San Mateo County, Alameda County, MTC and the Midpeninsula Regional Open Space District.

FOCUS Forum continues its series of monthly meetings with discussions and guest speakers that provide opportunities to learn more about specific issues concerning the creation of complete communities near transit in urbanized areas. The most recent forum topic was "Health in Urban Areas" with guest speaker Dr. Richard Jackson, on July 9. Other forum topics include Projections 2009 Conference "Building Momentum" and water.

Financings delivered by ABAG and its affiliated entities since the last Executive Board meeting include: \$42,100,000 in Insured Hospital Revenue Bonds issued on behalf of the County of Alameda for St. Rose Hospital's major renovation and seismic retrofit project; and \$20,000,000 in Variable Rate Revenue Bonds issued on behalf of the County of Santa Clara to fund construction of a new music conservatory at Valley Christian School in San Jose.

President Jacobs Gibson thanked Executive Director Gardner for his report.

## **6. CONSENT CALENDAR**

President Jacobs Gibson recognized a motion by Mike Kerns, Supervisor, County of Sonoma, and seconded by Barbara Kondylis, Supervisor, County of Solano, to approve the consent calendar with the addition of the appointment of

Councilmember Chu to the Estuary Project Implementation Committee. The motion passed unanimously.

**A. Approval of Executive Board Summary Minutes\*\***

Summary Minutes of Meeting No. 367 held on May 21, 2009.

**B. Grant Applications**

A list of grant applications was approved for submission to the State Clearinghouse, having been circulated in ABAG's "Intergovernmental Review Newsletter" since the last Executive Board meeting.

**C. Appointment to Committees**

Approved the following appointment to committee:

San Francisco Estuary Implementation Committee  
Kansen Chu, Councilmember, City of San Jose

Regional Planning Committee  
Cheryl O'Connor, Interim CEO, Home Builders Association of Northern California  
(Replaces Joseph Perkins)

**D. Approval of Resolution No. 15-09 Commending Joseph Chan on Occasion of His Retirement from ABAG\*\***

Approved Resolution No.15-09 commending Joseph Chan, former ABAG Finance Director on 26 years of outstanding service to ABAG.

**E. Authorization to Submit \$250,000 Grant Application to Metropolitan Transportation Commission by the San Francisco Bay Trail\*\***

Authorized submission of a funding application request in the amount of \$250,000 to MTC under the FY 2009-2010 Bridge Toll Funds Five Percent Unrestricted State Funds category for the San Francisco Bay Trail.

**F. Authorization to Apply for U.S. Environmental Protection Agency (EPA) Climate Showcase Communities Grant\*\***

Authorized submission of a proposal for up to \$500,000 in grant funding from U.S. EPA's Climate Showcase Communities Grant Program, and if awarded, for the Executive Director or designee to enter into an agreement with U.S. EPA. A 50% match is required and can be in the form of in-kind services. The grant period for awards will begin January 1, 2010, and the proposed project period may be up to three years.

**G. Authorization to Increase Contract Amount with Finger Design\*\***

Authorized increase of the amount of the contract with Finger Design Associates by \$6,100 to cover unanticipated costs. On March 19, 2009, the Executive Board authorized staff to enter into a contract with Finger Design Associates in an amount not to exceed \$40,000.

President Jacobs Gibson recognized Joseph Chan, former ABAG Finance Director, who addressed the Board on the occasion of his retirement. The Board acknowledged Mr. Chan for his 26 years of service.

**7. BAY AREA GREEN BUSINESS PROGRAM CERTIFIED PUBLIC AGENCY RECOGNITION\*\***

Ceil Scandone, ABAG Senior Regional Planner, reported on the progress of the Bay Area Green Business Program. She thanked the Board for hosting the Seventh Annual Recognition Program of Public Agencies Certified as Green Businesses. The Local Hazardous Waste Management Facility Allocation Committee continues to oversee the implementation of the Green Business program. She acknowledged committee members present: Mark Green, Mayor, City of Union City; Barbara Kondylis, Supervisor, County of Solano; Gayle B. Uilkema, Supervisor, County of Contra Costa; and Ronit Bryant, Vice Mayor, City of Mountain View. She recognized county coordinators Lila Khatapoush, Alameda County; Robin Bedel-Waite and Claudia Pingatore, Contra Costa County; Danielle Sinclair, Napa County; Lisa Rose, Kam Johal, and Elizabeth Constantino, Santa Clara County.

President Jacobs Gibson recognized a motion by Gayle B. Uilkema, Supervisor, County of Contra Costa, and seconded by Mark Green, Mayor, City of Union City, to recognize the 27 public agencies that have been certified as green businesses in the past 16 months. The motion passed unanimously.

The Board also recognized Ms. Scandone for her work.

Patty Kim, District Deputy Chief of Staff for Congresswoman Anna Eshoo, 14<sup>th</sup> Congressional District, thanked the Green Business Program on behalf of the Congresswoman. She presented a certificate of special Congressional recognition from Congresswoman Eshoo to the Bay Area Green Business Program.

Mary Hayashi, State Assemblymember, thanked the Board for the Green Business recognition and announced that AB 210 on green building standards for cities cleared the State Senate.

Government agencies which achieved Green Certification include: Congresswoman Anna G. Eshoo, 14<sup>th</sup> Congressional District Office; Assemblymember Mary Hayashi, Hayward Office; City of Oakland, City Center Complex; Union Sanitary District; Tri-Cities One-Stop Career Center, Newark; 511 Contra Costa, Pleasant Hill Office; City of El Cerrito, City Hall; City of Lafayette, City Offices; Napa County Transportation and Planning Agency; City of Redwood City, City Hall, City of Millbrae, City Hall; Millbrae Public Library; San Mateo County Human Services Agency, Redwood City Office; San Mateo County Human Services Agency, San Carlos Office; City of Campbell; City of Gilroy Police Department; City of Saratoga; and County of Santa Clara, Office of Supervisor Dave Cortese, District 3; Office of Supervisor Liz Kniss, District 5; Office of Supervisor Ken Yeager, District 4; Office of the Controller-Treasurer; Office of the Controller-Treasurer ASAP/HARP; Office of County Counsel, Hedding Street Office; Department of Environmental Health; Office of Human Relations; Parks Recreation Department, Administration; Department of Planning and Development.

President Jacobs Gibson thanked Ms. Scandone for her report.

**8. SOLAR AND ENERGY EFFICIENCY FINANCING DISTRICT\*\***

Ezra Rapport, ABAG Deputy Executive Director, provided an update on the proposed solar and energy efficiency financing district including program design principles, entry pathways, marketing analysis, business case development, and SB 279 and CaliforniaFIRST.

Members discussed “green-washing” and certification of vendors; eligibility of mobile homes; program time frame; and implications for cities seeking community choice aggregation and the PG&E sponsored Voting Rights Act placement on the ballot.

President Jacobs Gibson thanked Mr. Rapport for his report.

**9. ABAG’s SUSTAINABLE COMMUNITIES STRATEGY WORK CONCEPTS\*\***

Ezra Rapport, ABAG Deputy Executive Director, briefed the Board on ABAG’s Sustainable Communities Strategy (SCS) work concepts. He described modeling requirements, the policy framework for SB 375, the convergence of land use planning and transportation investment, and the impact of SB 375 on ABAG. He also described the Sustainable Communities Strategy, ABAG’s adopted performance measures, the FOCUS program, ABAG’s programs related to climate change, and the impact of climate change on the Bay Area. He spoke about a regional assessment, the San Diego Foundation Model, and Integrated Planning Model, as well as developing a public participation process and alternatives. He also spoke on CEQA issues and the transit priority EIR, and funding SB 375 planning and resources available through SB 406.

Members discussed planning and partnership with the Bay Area Air Quality Management District and other regional agencies; obtaining support for SB 279; the tension between development and preparing for sea level rise; SB 375 as a component of AB 32; concerns about CEQA streamlining; and regional implementation and resources for jurisdictions.

President Jacobs Gibson thanked Mr. Rapport for his report.

**10. LEGISLATION & GOVERNMENTAL ORGANIZATION COMMITTEE REPORT\*\***

President Jacobs Gibson recognized Committee Chair Carole Dillon-Knutsen, Councilmember, City of Novato, who reported on recommendations on bills for consideration in the 2009 Legislative Session, including AB 744 (Torrico), Transportation: Toll Lanes, Express Lane Network (support); AB 881 (Huffman), Sonoma County Regional Climate Protection Authority: Greenhouse Gas Emissions (support); SB 406 (DeSaulnier), Land Use: Environmental Quality (update); AB 18 (Knight), Local Government: City Councils (support); AB 46 (Blakeslee), Energy: Energy Conservation Assistance (watch); AB 155 (Mendoza), Local Government: Bankruptcy (oppose); AB 814 (Krekorian), Firearm Surrender Process and Procedure (support); AB 962 (DeLeon), Ammunition (support).

Councilmember Dillon-Knutsen reported that the committee heard a report from the Youth Gun Violence Task Force on model ordinances and resolutions. The committee recommended the Executive Board review the model ordinances and resolutions and take action at the September Executive Board meeting.

President Jacobs Gibson recognized a motion by Chair Dillon Knutsen, and seconded by Jack Gingles, Mayor, City of Calistoga, to approve the committee report, except AB 744 (HOT lanes), and to submit the Youth Gun Violence Task Force recommended model ordinances and resolutions to members for review. The motion passed unanimously.

President Jacobs Gibson recognized a motion by Supervisor Kondylis, and seconded by Supervisor Gioia, to support AB 744. Members discussed HOT lanes and amendments to the bill. The ayes were 24, the nays were three (Adams, Kerns, Dillon Knutsen). The motion passed.

President Jacobs Gibson thanked Chair Dillon-Knutsen for her report.

**11. FINANCE & PERSONNEL COMMITTEE REPORT\*\***

President Jacobs Gibson recognized Committee Chair Scott Haggerty, Supervisor, County of Alameda, who reported on committee activities, including: Committee approval of the May 2009 financial report, and noted that the slowdown in recovery from the state is putting a strain on cash on hand, ABAG's bank continues to accept state warrants, members' dues provide cash to cover the slowdown in state reimbursements, and ABAG has deferred cash payment of its 2008-2009 annual required contribution for retiree health care benefits until ABAG's cash position improves; and a report on the proposed labor agreement with SEIU Local 1021.

President Jacobs Gibson recognized a motion by Chair Haggerty, and seconded by Supervisor Gioia, to approve the committee report. The motion passed unanimously.

The Board entered closed session at 9:00 p.m.

The Board entered open session at about 09:15 p.m.

Chair Haggerty reported that members met with ABAG's labor team regarding a proposed labor agreement with SEIU Local 1021.

President Jacobs Gibson recognized a motion by Chair Haggerty, which was seconded, to approve the proposed labor agreement with SEIU Local 1021. The motion passed unanimously.

President Jacobs Gibson thanked Chair Haggerty for his report.

**12. ADJOURNMENT**

Meeting adjourned at approximately 9:16 p.m.

  
Henry L. Gardner, Secretary-Treasurer

\*\* Indicates attachments.

\*\*\* For information on the L&GO Committee, contact Patricia Jones at (510) 464 7933 or PatJ@abag.ca.gov, or Kathleen Cha at (510) 464 7922 or KathleenC@abag.ca.gov.

**Summary Minutes**  
ABAG Executive Board Meeting  
No. 368, July 16, 2009

*All ABAG Executive Board meetings are recorded. To arrange for review of these tapes, please contact Fred Castro, Clerk of the Board, at (510) 464-7913 or [FredC@abag.ca.gov](mailto:FredC@abag.ca.gov).*